

AMENDED
APPLICATION FOR PERMIT

Serial No. **9742**

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office APR 23 1934
Returned to applicant for correction JUN 15 1934
Corrected application filed JUN 25 1934

The undersigned Harold Wm. Merritt
Name of applicant
of Twin Falls, County of Twin Falls,
State of Idaho, hereby make s application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.)

1. The source of the proposed appropriation is Martin Creek
Name of stream, lake, or other source
tributary of Owyhee River
2. The amount of water applied for is 1,500 acre feet second-feet.
One-second-foot equals 40 miners' inches
3. The water to be used for Mining
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
The SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, T. 45 N., R. 56 E.M.D.M.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Works to be located Places of use (See Note Below)
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream S $\frac{1}{2}$ Sec. 27, T. 44 N., R. 55 E.
Describe in same manner as point of diversion.
to Penrod Creek
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about April 1 and end about Nov. 1, of each year.
Month Month

(i) Remarks Water to be stored in flood water season, or during winter months and used and returned to original stream during summer months when said creek would otherwise be low
PLACES OF USE: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11, W $\frac{1}{2}$ of Sec. 12, All of Sec. 13 and the S $\frac{1}{2}$ of Sec. 14, all of Township 44 North (T. 44 N.), Range 55 E.M.D.M., Elko County, Nevada.

DESCRIPTION OF PROPOSED WORKS

Water to be diverted from Creek by small rock diversion dam and gate.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

These structures are already built and in need of repair. Water thus

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

diverted - conveyed in about 5 miles of open contour ditch and stored in reservoir situated in Sec. 36. From reservoir through open ditch about 3 1/2 miles to point of 1st use.

5. Estimated cost of works Present estimate \$25,000.00

6. Estimated time required to construct works 3 weeks to repair works.

7. Remarks Works completed years ago and abandoned. Estimated cost

For use of applicant

to place in operation \$1,000.00 consisting of repair of diversion dam and gate, reservoir outlet gate - 8 1/2 miles of ditch to be cleaned and minor repairs.

Harold Wm. Merritt, Applicant.

By

Compared

This sheet inspected

Protested Sept. 5, 1934 by Engineer Frank McGregor.
Protested August 20, 1934 by Prudencio Mendive.
Protested August 8, 1934 by H. Moffat Co.
APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to appropriate and store 1500 acre feet of the waters of Martin Creek is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times. This permit is granted particularly subject to that stipulation appearing on page 13 of the transcript of proceedings of a hearing March 31, 1936, at Elko, Nevada, on applications Nos. 9742, 9796 and 9797. The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1500 cubic feet per second, acre feet per annum.

Actual construction work shall begin on or before April 1, 1937

Proof of commencement of work shall be filed before May 1, 1937

Work must be prosecuted with reasonable diligence and be completed on or before April 1, 1939

Proof of completion of work shall be filed before May 1, 1939

Application of water to beneficial use shall be made on or before

April 1, 1941. Proof of the application of water to beneficial

use must be filed with State Engineer on or before May 1, 1941

Map Filed June 2, 1934

Proof of commencement of work filed NOV 17 1937

Cancelled OCT 20 1939 of September 1936

of applicant to comply with the provisions of permit

State Engineer

WITNESS MY HAND AND SEAL this 9th day of September 1936
State Engineer

Compared Rm 6 CT